

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

| | | |
|----------------------------------|---|-------------|
| Constellation Mystic Power, LLC, |) | |
| |) | |
| <i>Petitioner,</i> |) | |
| |) | |
| v. |) | |
| |) | No. 24-1077 |
| Federal Energy Regulatory |) | |
| Commission, |) | |
| |) | |
| <i>Respondent.</i> |) | |
| |) | |

**PRELIMINARY NON-BINDING STATEMENT OF ISSUES TO BE
RAISED BY PETITIONER CONSTELLATION MYSTIC POWER, LLC**

In accordance with this Court’s April 4, 2024 Order, Petitioner Constellation Mystic Power, LLC (“Mystic”) respectfully submits the following non-binding statement of issues to be presented for review:

1. FERC acted contrary to law by using incorrect legal standards, which are inconsistent with the filed rate, to grant formal challenges related to recovery of Mystic’s historical investments.

2. FERC acted arbitrarily and capriciously by granting a formal challenge that purports to set for hearing Mystic’s recovery of a category of projects that is outside of the scope of the proceeding. Mystic already addressed recovery of that cost category in a prior settlement.

Dated: May 6, 2024

Respectfully submitted,

/s/ Matthew A. Fitzgerald

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CERTIFICATE OF SERVICE

I hereby certify that on May 6, 2024, I filed the foregoing with the Clerk of the United States Court of Appeals for the District of Columbia Circuit using the appellate CM/ECF system, which will serve counsel of record.

/s/ Matthew A. Fitzgerald
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*Counsel for Constellation Mystic
Power, LLC*